

**VANCE PROCTOR,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** ) **CASE NO. 2:13-cv-00157-LSC**  
 )  
 **CSX TRANSPORTATION, INC.,** )  
 *a corporation,* )  
 )  
 **Defendant.** )

**MOTION FOR PARTIAL SUMMARY JUDGMENT  
AND EVIDENTIARY SUBMISSION**

COMES NOW the defendant, CSX Transportation, Inc., pursuant to Rule 56(a) of the Federal Rules of Civil Procedure and Appendix II of the Court's Uniform Initial Order dated March 25, 2013, and hereby moves this Court for an order granting partial summary judgment on plaintiff's claims against this defendant pursuant to the Federal Employer's Liability Act, 45 U.S.C. §§ 51 et seq., for injuries flowing from two alleged violations of the Federal Safety Appliance Act, 49 U.S.C. § 20302, on the grounds that there is no genuine issue of material fact on the question of whether the Act was violated (it was not), and that therefore CSXT is entitled to judgment as a matter of law on those claims. In support thereof, CSXT submits the transcript of, and the exhibits to, the deposition of Vance Ivan Proctor, which are attached hereto as Tab A. In further support thereof, CSXT

concurrently files herewith a brief setting forth a statement of undisputed relevant material facts and a discussion of relevant legal authorities.

WHEREFORE, the foregoing premises considered, CSXT requests the Court to issue an order granting partial summary judgment in its favor on the claims asserted by plaintiff pursuant to the Safety Appliance Act.

Respectfully submitted,

s/ Todd M. Higey

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 15<sup>th</sup> day of January 2014, I filed the above and foregoing with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorney of record:

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s/ Todd M. Higey  
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OF COUNSEL